

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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LARRY CALDWELL,

Plaintiff,

v.

NO. CIV. S-05-0061 FCD JFM

MEMORANDUM AND ORDER

ROSEVILLE JOINT UNION HIGH  
SCHOOL DISTRICT; JAMES JOINER;  
R. JAN PINNEY; TONY MONETTI;  
STEVEN LAWRENCE; DONALD  
GENASCI; RONALD SEVERSON,

Defendants.

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The court is in receipt of plaintiff's motion to strike defendants' statement of undisputed facts along with an ex parte motion to expedite hearing on the motion. The court has reviewed plaintiff's motion to strike defendants' statement of undisputed facts as well as the underlying motions for summary judgment filed by defendants. Defendants's submissions fail to comply with Rule 56 and Local Rule 56-260. Specifically, defendants

1 have filed two separate motions for summary adjudication noticed  
2 for the same date. In total, these two motions compromise a  
3 motion for summary judgment and as such, should have been filed  
4 as one motion. To the extent that defendants filed two motions  
5 to comply with the court's page limits, defendants should have  
6 requested a page limit extension. The court strikes defendants'  
7 filings in relation to the motions for summary judgment and  
8 directs defendants to refile and reserve one motion for summary  
9 judgment. Based upon a review of the filings and because a  
10 Pretrial Scheduling Order has not issued in this case, the court  
11 grants defendants a ten page extension from its normal limit of  
12 twenty pages for their memorandum of points and authorities.

13 The court has also reviewed defendants' statements of  
14 undisputed facts filed in conjunction with their motions for  
15 summary adjudication. While already stricken, the court  
16 nonetheless finds plaintiff's motion to strike meritorious. Said  
17 statements do not comply with Local Rule 56-260. As an initial  
18 matter, defendants' statements are rife with legal conclusions.  
19 The Statement of Undisputed Facts shall "enumerate each of the  
20 material *facts*" in support of the motion. Local Rule 56-260(a).  
21 Further, defendants' statements refer generally to the supporting  
22 evidence. However, the Local Rules require that defendants "cite  
23 the *particular* portions of any pleading, affidavit, deposition,  
24 interrogatory answer, admission, or other document relied upon to  
25 establish [a] fact." Defendants must cite to specific paragraphs  
26 or pages within exhibits that support a particular fact.

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1 Defendants shall file and re-serve their motion by August 9,  
2 2006. The motion shall remain on the court's September 15, 2006  
3 calendar.

4 IT IS SO ORDERED.

5 DATED: July 26, 2006

6 /s/ Frank C. Damrell Jr.  
7 FRANK C. DAMRELL, Jr.  
8 UNITED STATES DISTRICT JUDGE  
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